

8/20/90
STATE OF MAINE
SUPREME JUDICIAL COURT

RECEIVED AND FILED

Docket No. SJC-53.9

IN RE JOHN E. WELCH)

DECISION AND ORDER

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Pursuant to Rule 4(d)(8) of the Maine Bar Rules the Board of Overseers of the Bar filed an information charging John E. Welch of Caribou with a violation of Maine Bar Rules 3.2(f)(2) and (3) in that he was on May 6, 1980, convicted of the criminal offense of failure to file Income Tax return (36 M.R.S.A. § 5332). By his answer, Mr. Welch admits the conviction alleged in the information and also admits two additional convictions based on similar charges. At hearing before the court on August 20, 1980, the parties submitted the matter to the court on the information and answer and indicated that there were no factual disputes. The respondent was represented by Thomas Goodwin, Esq., and Michael E. Barr, Esq., appeared as Bar Counsel.

Counsel has presented to the court various mitigating circumstances concerning the conduct of which the respondent has been convicted. This court is conscious of the purpose of disciplinary proceedings as set forth in Maine Bar Rule 2(a):

The purpose of such proceedings is not punishment but protection of the public and the courts from attorneys who by their conduct have demonstrated that they are unable or likely to be unable to discharge properly their professional duties.

In this connection, the court is satisfied that the risk of the respondent's repetition of professional misconduct is remote.

The court is satisfied that the imposition of criminal sanctions has served as a sufficient deterrent to any future professional misconduct on his part. This court recognizes, however, that one means of protecting the public and the courts is to provide fair notice to members of the bar as to the consequences of any similar misconduct.

It is therefore ORDERED that respondent John E. Welch be and he hereby is suspended as an attorney and counselor at law in all courts of this state for a period of three months. This suspension having commenced by the Order of Summary Suspension on May 29, 1980, there is no necessity for the respondent to report to the court regarding his compliance with Rule 7(n) of the Maine Bar Rules.

Dated: August 20, 1980

A handwritten signature in dark ink, appearing to read "David G. Roberts", is written over a horizontal line.

David G. Roberts
Justice, Supreme Judicial Court